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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON DAVID WYNNE,
Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

No. 1:20-CV-01228 (BAM)

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT (28
U.S.C. §2412(d))**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
2 attorneys, subject to the approval of the Court, that Aaron David Wynne (“Plaintiff”) be awarded
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the
4 amount of three thousand one hundred and thirty-six dollars and eighty-seven cents (\$3,136.87).
5 This represents compensation for legal services rendered on behalf of Plaintiff by counsel in
6 connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
8 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
10 attorney fees are subject to any offset allowed under the United States Department of the
11 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
15 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
16 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments
17 made shall be delivered to Plaintiff’s counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA
19 attorney fees and does not constitute an admission of liability on the part of Defendant under
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
21 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees
22 and expenses in connection with this action.

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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
2 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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4 Respectfully submitted,
5 Dated: September 17, 2021 NEWEL LAW

6 By: Melissa Newel
7 Melissa Newel
8 Attorney for Plaintiff
9 AARON DAVID WYNNE

10 Dated: September 23, 2021 PHILLIP A. TALBERT
11 Acting United States Attorney
12 DEBORAH LEE STACHEL
13 Regional Chief Counsel, Region IX
14 Social Security Administration

15 By: Ellinor R. Coder
16 ELLINOR R. CODER
17 (*Authorized by email dated 09/23/2021)
18 Special Assistant U.S. Attorney
19 Attorneys for Defendant

20 **ORDER**

21 Based upon the parties' Stipulation for the Award and Payment of Attorney Fees and
22 Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) filed on September
23, 2021 (Doc. No. 19.):

24 IT IS HEREBY ORDERED that attorney fees in the amount of THREE THOUSAND
25 ONE HUNDRED AND THIRTY-SIX DOLLARS AND EIGHTY-SEVEN CENTS (\$3,136.87)
26 be awarded subject to the terms of the stipulation.

27 IT IS SO ORDERED.

28 Dated: September 24, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE